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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,681

10/29/2003

Patrick T. Case

4988-1

9829

22442

7590

08/11/2006

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/697,681	<b>Applicant(s)</b> CASE, PATRICK T.	
	<b>Examiner</b> Cassandra Davis	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-13,15-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13,15-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This office action is in response the amendment filed May 4, 2006. Since the office action summary did not indicate the office action mailed February 13, 2006 was final, the finality of the last office action is withdrawn.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-13, 15-17, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin, U. S. Patent 6,216,375 in view of Bauer, U. S. Patent 5,606,834.

4. Griffin teaches a display panel 1 having horizontal tracks that accept alphanumeric characters plates 23, wherein the plate 23 maybe transparent, translucent, or opaque. Griffin teaches the plates having an upper edge and a lower edge, wherein the edges are adapted to slide within upper and lower tracks. Figures 38 and 39 show the plates 173 extending over two tracks.

5. Figures 1 and 1A show the display panel having a plurality of plates 23 mounted side-by-side and on a plurality of rows to form an overall image. The first plate 23 having a "C" depicted thereon correspond to the first panel element having textual character and the horizontal adjacent panel 23 having a "O" depicted thereon correspond to the second panel element having textual character. Griffin also teaches a third panel having a "I" depicted thereon vertically adjacent the first and second panel. The top edges of the first and second panel are engaged in track 15 and the bottom edge of first and second panel and the top edge of the third panel is engage in track 17. It is inherent that the top and bottom edges of the panels that engage the tracks or not displayed to the viewer.

6. Bauer teaches a panel for applying graphics image to a slat wall comprising a slat wall 11, a panel 10 for covering the slats of the wall, wherein each panel 10 having top and bottom track or channel 29 and 30 adapted to receive graphic or photographic image panel 40. The image panel 40 is divided into a plurality of image strips 40A-40J. The strips can then be inserted sequentially into the tracks or channels 29 and 30 to show an overall image. See figures 8-11 and column 5, line 1-45.

7. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the display panel taught by Griffin using the image elements/panels position adjacent one another as taught by Bauer to permit the joining of more than two sign/image portions so that an overall image can be configured.

8. With respect to claim 2, Griffin teaches a first, second, and third panel element 23 inserted into the tracks to form a continuous message or image.

9. With respect to claims 3 and 9, Figure 1A of Griffin shows the message extend across all of the surface of the board 1 and Figure 11 of Griffin show the image panels extend across all of the slot wall 11.

10. With respect to claims 4, 11 both Griffin and Bauer show the sign/image panel element having the height of one track.

11. With respect to claim 5, 12, 19 Griffin show the sign panel element can have the height of at least two tracks. See figures 38 and 39.

12. With respect to claim 6, Griffin shows the panels have a length of less than one track.

13. With respect to claims 10, 17, Bauer teaches the message on the image panel is a graphic design or photograph.

14. With respect to claim 20, the panels taught by both Bauer and Griffin do not overlap.

15. With respect to claims 22 and 23, Griffins show the panels having textual characters.

With respect to claims 23 and 24, Bauer shows the panels having graphic elements.

### ***Response to Arguments***

16. Applicant's arguments filed May 4, 2006 have been fully considered but they are not persuasive. The applicant argues that a system or method using a conventional readerboard to display an image having portions distributed across a number of panels and in which the tracks of the readerboard obscure portions of the image and create discontinuities in the displayed message or image is not taught, suggested, or described by the prior art. Specifically, Griffin does not teach, suggest or describe a system in which a portion of an overall message in areas corresponding to a track of a readerboard is not displayed.

17. The examiner disagrees. Griffin clearly teaches a plurality of panels forming an overall image as seen in figure 1. Griffin also teaches the panels mounted into a plurality of vertically spaced tracks as seen in figure 1A. In

addition, Griffin teaches the panels may comprise images in the form of letters or characters or a graphic design such as the "happy face" seen in figure 1. The examiner contends that once all of the panels is placed within the track an overall message is display wherein portions of each panel (the top and bottom edge) of concealed by the track. It is noted that the applicant does not claim the graphic design extending over the entire surface of the panel or extending to the edges of the panel. Although, it appears as if the outer portions of the panels taught by Griffin are void of indicia, it appears as if the void is necessary to convey an image desired by Griffin. Bauer however clearly teaches a plurality of panels wherein the indicia extends over the entire surface area of the panels. The panels taught by Bauer are adapted to placed within tracks defined by tabs 29 and 30 as seen in figure 5. Once the panels are mounted within the tracks an overall image is visible wherein the top and bottom edge of the panels are obscured.

18. The rejection is maintained.

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
August 7, 2006